

REMARKS

This Amendment is being filed in response to the Office Action mailed February 11, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 3 and 5-10 remain in this application, where claims 2 and 4 have been canceled without prejudice. Claims 1, 5 and 6 are independent.

In the Office Action, the Examiner indicated that claims 5-8 are allowed. Applicant gratefully acknowledges the indication that claims 5-8 are allowed.

In the Office Action, claims 1-4 and 9-10 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,840,158 (Muttoni). It is respectfully submitted that claims 1, 3 and 9-10 are allowable over Muttoni for at least the following reasons.

Muttoni is directed to a percolator holding pan, shown in FIG 5, for an espresso coffee making machines having a pressure

controller 61 that includes a restrictor 62, effective to produce a pilot backpressure, and a shut-off valve 63, interposed to a cupped percolator 57 and the restrictor 62. The shut-off valve 63 is moved by the backpressure.

It is respectfully submitted that Muttoni does not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the liquid flow path comprises V-shaped restriction for evenly distributing the beverage over the at least two outlets by reducing the speed of the beverage flowing from the reservoir to the at least two outlets during operation.

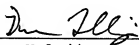
A V-shaped restriction is nowhere disclosed or suggested in Muttoni. Rather, the Muttoni restrictor 62 appears to be circular. Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 3 and 9-10 should also be allowed at least based on their dependence from independent claim 1, as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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